

CALL TO ORDER

Mayor Dziubek opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek

Absent: None

Others Present: J. Peter Jost, Esq., Kevin Smith, Township Engineer, and Ella Ruta, Township Clerk

APPROVAL OF MINUTES

Regular and Executive Session Meeting Minutes of November 4, 2009

Regular and Executive Session Minutes of the Special Meeting of November 10, 2009

Mr. Bischoff made a correction to the November 4, 2009 Regular Minutes. Page 14, under committee reports, third bullet, change “senator –elect Ed Smith” to “senator- elect Mike Doherty”.

Mr. Bischoff made a motion to approve the Regular and Executive Session Meeting Minutes of November 4, 2009 as amended. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Abstain – Mr. Severino, Mr. Mazza. Motion carried.

Mr. Severino made a motion to approve the Regular and Executive Session Minutes of the Special Meeting Minutes of November 10, 2009. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

VISITORS

Pat Lingelbach, Union Township Historical Society

- A Presentation of the historic homes index in the Township from the Master Plan. Mrs. Lingelbach provided addresses, black and white photos and a CD to the Township and County. These materials to be filed at the Union Township Municipal Clerk’s office. The Committee discussed the possibility of placing the information and pictures on the Township website. A brief discussion of State and National Historical designations followed.
- Winterizing the Historical House (old municipal building). Thanked the Committee for clean water. Heat to be turned off when not in the building.
- Painting the Historical House (quotes). Not able to paint until the spring, hold two other quotes for painting until then.
- The Mayor requested Mrs. Lingelbach to provide the Clerk with the names of the contributors to the historic homes index.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 10/30/09; 11/05/09; 11/13/09; 11/20/09
- b. Tax Collector – November 2009
- c. UT Municipal Court – September 2009, October 2009

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- d. UTEC – Draft of October 22, 2009 Meeting Minutes – A discussion of the trails at Finn Park followed. The RFP for the Hoffman property is not finalized the Attorney will follow-up with some phone calls.
November 10, 2009 Agenda
- e. Safety Committee Meeting – November 5, 2009

CORRESPONDENCE/WRITTEN COMMUNICATIONMr. Bischoff mentioned the following correspondence:

- NJLM, QPA Bill Conditional Veto. No additional action needs to be taken by the Township.
- Highlands Council, Union Twp- Municipal Build-Out Report.
- Municipal Excess Liability-JIF, Elected Officials' Training Seminars. A \$250 reduction in the 2010 liability claims premium for each elected official who completes the course. The Mayor will attend the training seminar on December 8th in Piscataway.
- High Bridge Rescue Squad – 2010 Budget. Requesting \$7,000 for 2010 services. The CFO will put it on file for budgetary discussion.
- Liberty Mutual – Proj. #060804-Performance Bond (Pilot Travel Centers LLC). A follow-up inquiry as to the status of the completion of the job.
- NJDEP – Compliance Evaluation & Assistance Inspection-Stormwater General Permit. No issues.
- HC Purchasing Department – Deer Carcass Removal Service. The County is no longer going to bid carcass removal services in the future for County roads. Discussion of alternatives i.e., Morris County Co-op. Have CFO add this to the budget discussions.

Mr. Severino mentioned the following correspondence:

- NJ Dept of Agriculture – Results of Gypsy Moth Egg Survey. The State did an egg mass survey and reports that no major infestations detected in our municipality and they are not recommending any aerial treatment next spring.

Mr. Mazza mentioned the following correspondence: NoneMr. Haynes mentioned the following correspondence: NoneMrs. Dziubek mentioned the following correspondence:

- The Committee received endorsement by the Union Township Planning Board to recommend that the Governing Body submit the Draft Petition for the Preservation and Planning Areas to the Highlands Water Protection and Planning Council by December 8, 2009.
- NJLM – New law Affecting Members of Local Authorities, Boards & Commissions. The law requires the Municipal Clerk to compile and maintain a directory of all local authorities, boards and commissions. It also requires the filing of a “Citizen Leadership Form” with the clerk.

PUBLIC COMMENTS – None**PUBLIC HEARING – 2nd reading - None****OLD BUSINESS**

Discussion - Union Twp. Municipal Offices Organizational Chart. A brief discussion of changes made by Mr. Haynes followed. Continued review tabled for the next meeting.

NEW ORDINANCE – 1ST Reading

NEW BUSINESS

The following resolution introduced for adoption:

RESOLUTION #2009-157

**PETITION FOR PLAN CONFORMANCE
TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
FOR LAND IN THE PRESERVATION AREA AND IN THE PLANNING AREA**

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act requires the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region including both the Preservation Area and Planning Area as defined in the Highlands Act; and

WHEREAS, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, or September 8, 2008, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan and development regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, Section 13:20-15.a, of the Highlands Act states that for the portion of a municipality lying within the Planning Area, the municipality may petition the Highlands Council of its interest to conform its master plan and development regulations, as applicable to the development and use of land in the Planning Area, to the goals, requirements and provisions of the Regional Master Plan, and:

WHEREAS, the Township of Union (the "Township") is located in the Highlands Region with lands lying within the both the Preservation Area and Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for filing a petition to the Highlands Council for Basic Plan Conformance for the Preservation Area and the Planning Area; and

WHEREAS, the Highlands Council requires that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009 for Preservation Area lands; and

WHEREAS, the Highlands Council has not prepared and released Plan Conformance Guidelines outlining all requirements for achieving full conformance with the Highlands Master Plan; and

WHEREAS, the Township has reviewed and provided preliminary comments on a Highlands Master Plan Element for review and consideration by the Highlands Council; and

WHEREAS, the Township has reviewed and provided preliminary comments on a Highlands Land Use Ordinance for review and consideration by the Highlands Council; and

WHEREAS, the Highlands Council may accept, reject or accept with conditions a Petition for Plan Conformance; and

WHEREAS, since Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area, the Township may at any time voluntarily revise its master plan and development regulations, as applicable to the development and use of land in the Planning Area, to conform them with the Regional Master Plan; and

WHEREAS, at any time during the Plan Conformance process, the Township may choose to withdraw its petition for plan conformance and any approvals, rejections or approvals with conditions of the revised municipal master plan and development regulations recommended by the Highlands Council during the Plan Conformance process will not be binding on the Township; and

WHEREAS, the Township has previously participated in the Plan Conformance Grant Program and the Highlands Council will continue to make grant funding and other financial and technical assistance available to the Township for the reasonable costs associated with the continued review of conformance requirements and any necessary revisions of the master plan and development regulations, as applicable to the development and use of land in the Preservation Area and the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan; and

WHEREAS, should the Township formally withdraw from the Plan Conformance process grant funding awarded to the Township shall not be reimbursable to the Highlands Council.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Union hereby submits this Petition for Plan Conformance to the Highlands Council, as it relates to the development and use of land for the entire municipality; and

BE IT FURTHER RESOLVED that any approvals, rejections or approvals with conditions of the revised municipal master plan and development regulations that may be recommended by the Highlands Council during the Plan Conformance process will not be binding on the Township of Union until and unless such time as any required Ordinance, revisions to its master plan and/or development regulations are formally adopted by the township governing body.

Mr. Mazza made a motion to approve the above resolution. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

Discussion – Entering into a Recycling Shared Services with Hunterdon County.

Mr. Severino discussed in detail the pros and cons of the recycling shared services. The Committee consensus was not to participate at this time. A letter to be sent to the County.

Discussion – Establishing a Shade Tree Commission.

The Mayor received information about having a Shade Tree Commission. Mr. Harclerode submitted the pros and cons of having a Shade Tree Commission.

Mr. Steve Hurford, UTEC member, said that UTEC concurs with Mr. Bischoff that this is more appropriate for small towns with sidewalks. The Committee will not pursue it at this time.

REPORTS

- a. **Engineer's Report** – as submitted

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- Stormwater Report – Correspondence from DEP, only issue was at the time we filed our annual report for 2008 we were not aware that the public education requirement had been satisfied. Received a letter from the State and replied and they amended their plan. The washing of the trucks requirement will not be met.
- Damaged Cable Guide – Perryville Road – Not resolved with the bus company's insurance company.
- Cooks Cross Road Drainage (Vicinity of Robin Hill Farm) – Re-visited the concerns of Joanne Sotres (Robin Hill Farm). Discussed storm water bypassing the inlet on Cooks Cross Road which contributes to the problems that Ms. Sotres is having with water ponding and the repair that would solve the problem.

Mr. Bischoff made a motion to take the corrective action necessary to mitigate this situation as described in the Engineers Report at frontage of Robin Hill Farm. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

b. Attorney's Report – Mr. Jost reported the following:

- Douglass Farm Auction scheduled for December 10, 2009 at 1:00 pm at the site.
- The Attorney recorded the deed of easement from the Township to itself that formerly accomplishes the preservation of the Douglass farm.
- The Attorney would like to prepare for the next meeting with a proposal that we go out to bid for certain remaining properties in the Township. (Finn Rd Park, Milligan Farm, some on Scheuing property).
- Matter for Executive Session concerning litigation.

Mayor's Report – Mrs. Dziubek reported the following:

- Two Resolutions provided by Union Township were adopted by the NJ League of Municipalities, 1) The State issuing conditional permits for billboards as well as 2) the septic maintenance ordinance. Thank you to all the Committee members who worked so diligently on those resolutions.
- There has been a cut in State aid to the Township of \$3,322.10.
- Farmland Preservation, SADC staff review and Conditional Approval of the Comprehensive Farmland Preservation and Planning Incentive Grant Application and provided a detailed check list. Per Paige DiRoberto, the details center around the planning aspect and she asked that we give authorization to have Carl Hintz complete those details of that particular plan. A public meeting date will be set within the next two months.

Mr. Bischoff made a motion to authorize Carl Hintz, Union Township Planner, to complete the revision of the check list. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff Mr. Mazza, Mrs. Dziubek. Motion carried.

Committee Reports

Mr. Bischoff reported the following:

- Quote: "No government ever voluntarily reduces itself in size so government programs once launched never disappear. Actually, a government bureau is the nearest thing to eternal life we'll ever see on this earth." Ronald Reagan.
- Exit 11 – Executive Session negotiation.
- Health Benefits – is Grace Brennan putting together different plans? The Clerk will check.
- Milligan Farm – Asked the Attorney if the Township gets another payment for Green Acres in 2009. The Township is due to get another \$500,000. The Attorney will follow-up whether the payment will come in 2009.

Mr. Severino reported the following: None

Mr. Mazza reported the following:

- Mr. Mazza requested the Committee look at the truck and leaf blower specs for 2010 budget planning.
- Discussed the feasibility of allowing hunting at Milligan Farms. The Committee discussed the pros and cons and agreed not to allow hunting.

Mr. Haynes reported the following:

- Requested that Grace Brennan, CFO file the information re: deer carcass removal for 2010 budget.
- Requested that the Zoning Officer provide quarterly reports.
- The Attorney will request a report of activity from the DCA.

Mrs. Dziubek, Mayor reported the following: None

Clerk's Report: None

PUBLIC COMMENTS

Michelle McBride, Old Forge Road, received a quote from ADT for a security system after the last break-in at the Hoffman House. After reviewing the start-up and monthly costs, Michelle will check back with ADT and obtain additional quotes.

Attorney Jost will contact the County Council on the status of the Hoffman House.

PAYMENT OF THE BILLS

Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

EXECUTIVE SESSION – the following resolution introduced for adoption:

RESOLUTION 2009-158 **Providing for a Meeting Not Open to the Public in Accordance with the** **Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. _____ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.

2. _____ *Matters Relating to the Employment Relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive Session on December 2, 2009, at 8:56 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

At 8:56 pm, Mr Bischoff made a motion to adopt the above resolution to discuss Coastal litigation, contract negotiations and personnel. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At 10:07 p.m., Mr. Bischoff made a motion to go back to public session. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

The following resolution introduced for adoption:

RESOLUTION #2009-159
Costal Outdoor Advertising Group, LLC
Litigation Agreement with Insurance

BE IT RESOLVED that the Township agrees to the percentages negotiated with the MEL and PAIC in regards to percentages of allocation for payment of council fees in connection with the Costal litigation and Union Township will process and approve vouchers for Special Counsel Attorney Bill Brinton in accordance with that understanding to take effect immediately.

Mr. Haynes made a motion to approve the above resolution. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mr. Bischoff made a motion to adjourn. Mr. Haynes seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 10:08 p.m.

Respectfully submitted,

Pat Essig
Administrative Assistant